



Findings From The Community Protection Research Project:

A Chartbook

Sixth Edition



***Washington State
Institute for
Public Policy***

May 1997

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Sixth Edition



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May 1997

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Washington State Institute for Public Policy

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The Washington Legislature created the Washington State Institute for Public Policy in 1983. A Board of Directors—representing the legislature, the governor, and public universities—governs the Institute, hires the director, and guides the development of all activities.

The Institute's mission is to carry out practical research, at legislative direction, on issues of importance to Washington State. The Institute conducts research activities using its own policy analysts, academic specialists from universities, and consultants. New activities grow out of requests from the Washington State Legislature and executive branch agencies, often directed through legislation. Institute staff work closely with legislators, as well as legislative, executive, and state agency staff, to define and conduct research on appropriate state public policy topics.

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Debra Fabritius: Project Leader

The Institute wishes to thank the following individuals for contributing to this revised document:

Steve Aos, Maureen Ashley, Mason Burley, Karen Burnett, Ronna Cole, Susie Coon, Ken Crooker, Dave Guthmann, Janie Maki, Scott Matson, Peggy Smith, Clela Steelhammer, and Sandra Youngen.

INTRODUCTION

In 1990, the Washington State Legislature passed the Community Protection Act, a comprehensive set of laws that increased prison terms for sex offenders, established registration and notification laws, authorized funds for treatment of adult and juvenile sex offenders, and provided services for victims of sexual assault.

The legislation directed the Washington State Institute for Public Policy to evaluate the effectiveness of these state-supported programs. The charts that follow were selected from this research and cover such topics as:

- Definitions
- Rates of Sex Crime Arrests and Child Abuse in Washington State
- Adult Sex Offender Sentences, Criminal History, Demographics, and Treatment
- Juvenile Sex Offender History, Characteristics, and Caseloads
- Recidivism Patterns of Sexual Offenders
- Crime Victims Compensation for Sexual Assault Victims
- Sex Offender Registration and Community Notification

OVERVIEW

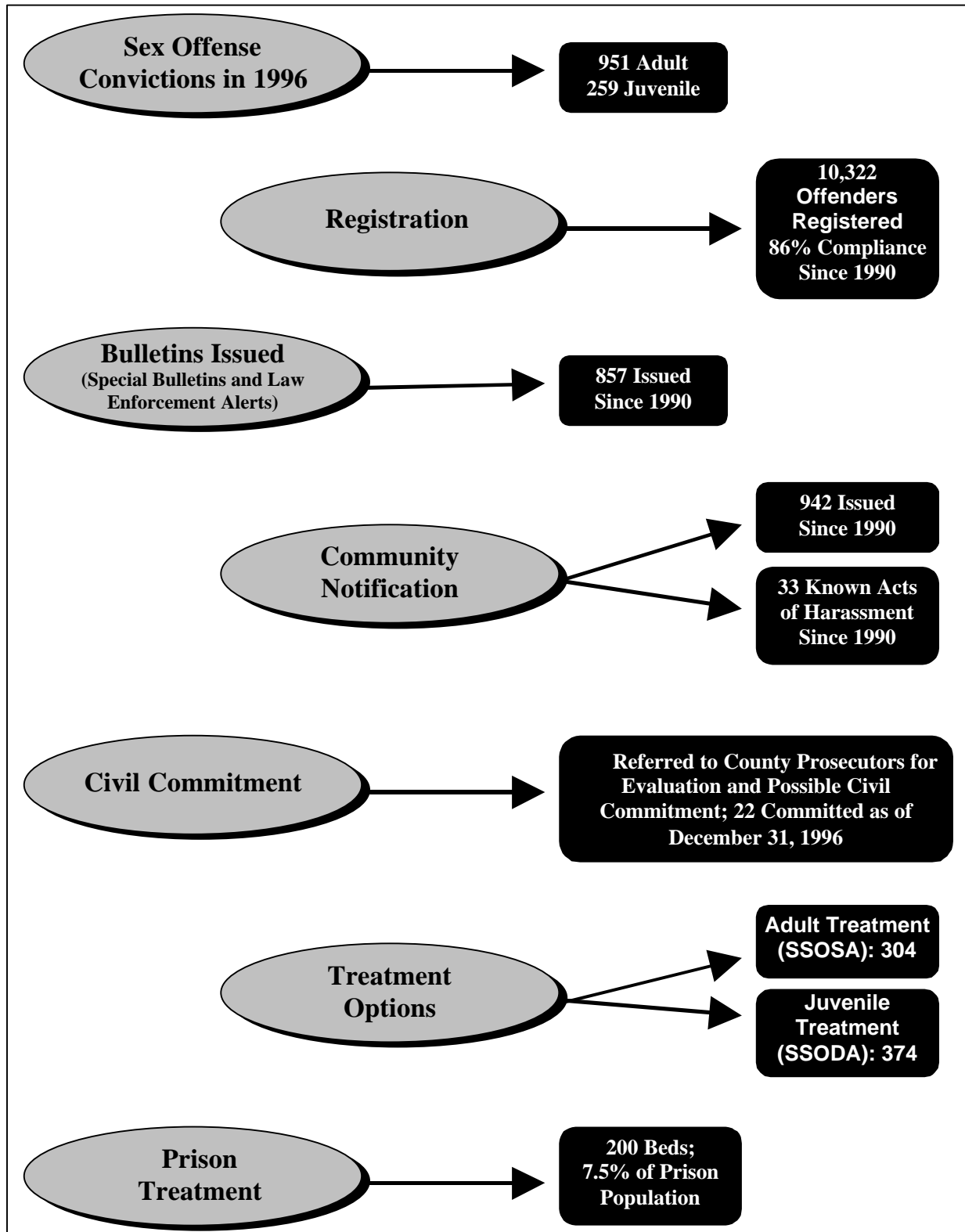
The updated graphs in this version of the chartbook present a visible downward trend relating to sex crimes.

- The number of convicted sex offenders has declined by 29 percent since FY 1993. Arrests for sex offenses, by both adults and juveniles, have also declined.
- The caseload for juveniles on sex offender outpatient treatment (SSODA) has declined steadily since 1994.
- Persons designated as sexually violent predators through the civil commitment process represent less than 1 percent of the state's released sex offenders.

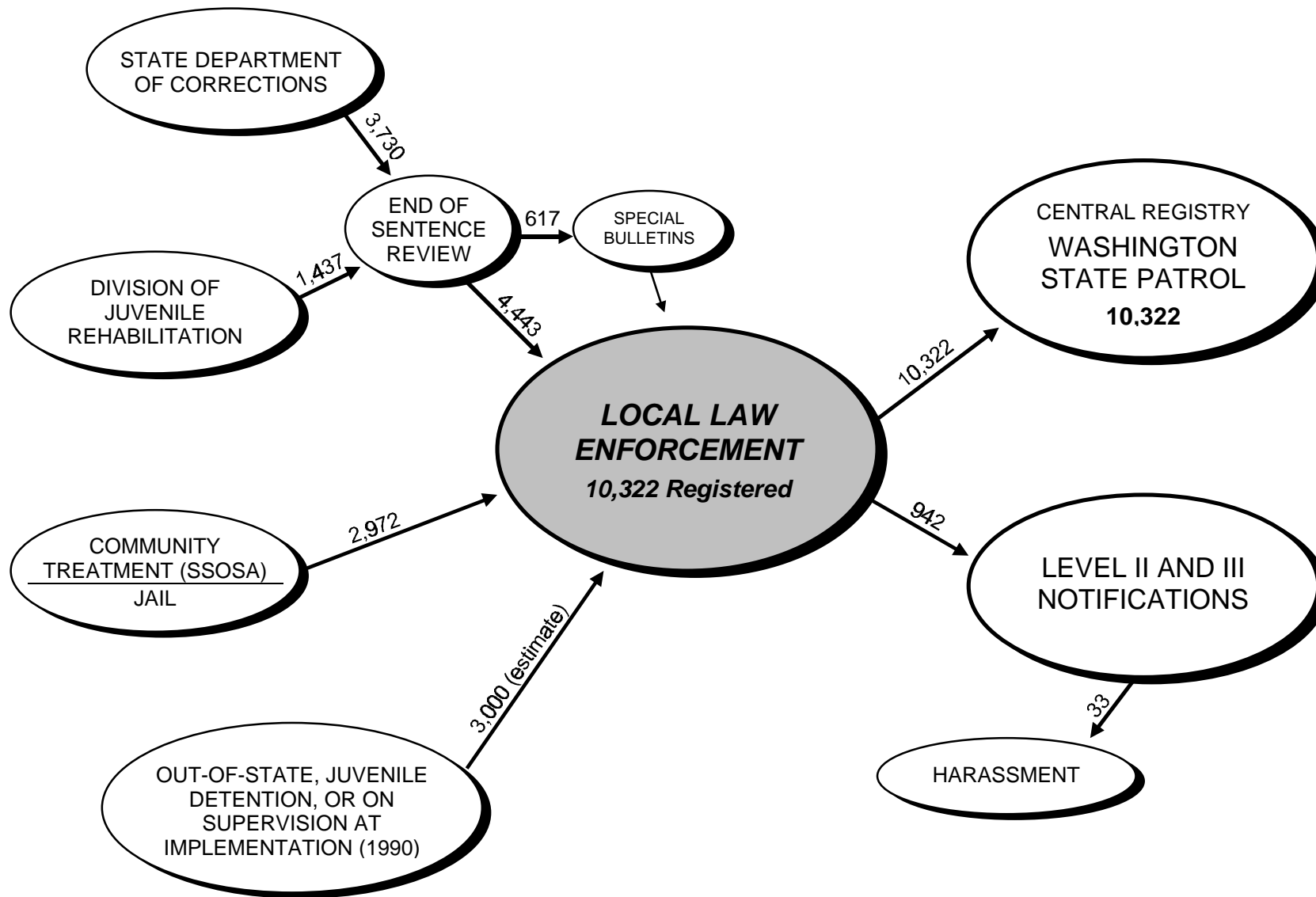
The charts on the following two pages provide an overview of criminal justice activity related to sex offenders.

WASHINGTON STATE SEX OFFENDERS

An Overview



FLOW OF SEX OFFENDERS IN WASHINGTON STATE: 1990 to 1997



WSIPP 1997. Numbers indicate released sex offenders. Please see page 21 for further detail.

Sources: Department of Corrections, Division of Juvenile Rehabilitation, Sentencing Guidelines Commission, Washington State Patrol, and local law enforcement agencies throughout the state.



SECTION 1

DEFINITIONS

- **Sex Crimes**
- **Special Sex Offender Sentencing Alternative**
- **Special Sex Offender Disposition Alternative**
- **Sexually Violent Predator**

SEX CRIMES*

INVOLVING SEXUAL INTERCOURSE:

RAPE 1 CLASS A FELONY, Violent	Forcible compulsion, and a) deadly weapon, or b) kidnapping, or c) serious physical injury, or d) felonious entry (vehicle, building). RCW 9A.44.040
RAPE 2 CLASS A FELONY, Violent	a) Forcible compulsion, or b) victim incapable of consent, or c) perpetrator in supervisory authority over a victim who is developmentally disabled (DD) or d) perpetrator is health care provider and crime occurs during treatment, or e) perpetrator has supervisory authority over victim who is a resident of a facility for the mentally disordered or chemically dependent. RCW 9A.44.050
RAPE 3 CLASS C FELONY, Non-violent	Not married, and a) refusal to consent clearly expressed, or b) threat of substantial unlawful harm to property rights of victim. RCW 9A.44.060
INCEST 1 CLASS B FELONY, Non-violent	Known to be related, either legitimately or illegitimately, as ancestor, descendent, brother or sister of whole or half blood, (includes stepchildren and adopted children under 18). RCW 9A.64.020

INVOLVING SEXUAL CONTACT:

INCEST 2 CLASS C FELONY, Non-violent	Known to be related, either legitimately or illegitimately, as ancestor, descendent, brother or sister of whole or half blood, (includes stepchildren and adopted children under 18). RCW 9A.64.020
INDECENT LIBERTIES CLASS B FELONY, Violent if force used, otherwise non-violent	Not married and knowingly causes another to have sexual contact with him or another, and a) forcible compulsion, or b) victim incapable of consent, or c) perpetrator in supervisory authority over a victim who is developmentally disabled (DD) or d) perpetrator is health care provider and crime occurs during treatment, or e) perpetrator has supervisory authority over victim who is a resident of a facility for the mentally disordered or chemically dependent. RCW 9A.44.100

INVOLVING SEXUAL COMMUNICATION:

COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES Non-violent FIRST OFFENSE: Gross Misdemeanor ANY PRIOR SEX OFFENSE: Class C Felony	Communications directed at a minor (a person under age 18) expressing sexual intent for the purpose of personal gratification, a type of sexual exploitation. RCW 9.68A.090
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*Other sex crimes include: Sexually Violating Human Remains and felonies found to have been committed with a sexual motivation.

SEX CRIMES AGAINST CHILDREN

INVOLVING SEXUAL INTERCOURSE: *Age of Victim* *Age of Offender*

RAPE OF A CHILD 1 CLASS A FELONY, Violent	Less than 12 years old	At least 24 months older than victim
RAPE OF A CHILD 2 CLASS A FELONY, Violent	At least 12, but less than 14	At least 36 months older than victim
RAPE OF A CHILD 3 CLASS C FELONY, Non-violent	At least 14, but less than 16	At least 48 months older than victim
SEXUAL MISCONDUCT WITH A MINOR 1 CLASS C FELONY, Non-violent	At least 16, but less than 18	At least 60 months older than victim (and in supervisory position)

INVOLVING SEXUAL CONTACT: *Age of Victim* *Age of Offender*

CHILD MOLESTATION 1 CLASS A FELONY, Violent	Less than 12 years old	At least 36 months older than victim
CHILD MOLESTATION 2 CLASS B FELONY, Non-violent	At least 12, but less than 14	At least 36 months older than victim
CHILD MOLESTATION 3 CLASS C FELONY, Non-violent	At least 14, but less than 16	At least 48 months older than victim
SEXUAL MISCONDUCT WITH A MINOR 2 GROSS MISDEMEANOR, Non-violent	At least 16, but less than 18	At least 60 months older than victim (and in supervisory position)

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Source: RCW Chapters 9A.44 and 9.94A.030.

SSOSA: Special Sex Offender Sentencing Alternative

FOR ADULTS:

This sentencing option can be imposed by the court for adult sex offenders convicted for the first time of a felony sex offense other than Rape in the First or Second Degree and whose sentence does not exceed eight years.

Under this option, offenders are treated by a state-certified therapist and are supervised by the Department of Corrections. Other crime-related prohibitions, such as restricted contact with minors, may be ordered. In addition, the judge may order up to six months in jail. The offender must pay all treatment costs.

If an offender does not comply with sentence conditions, or the judge determines that the offender is not making adequate progress in treatment, the alternative sentence may be revoked and a determinate sentence imposed.

This sentencing option has been available since 1984.

SSODA: Special Sex Offender Disposition Alternative

FOR JUVENILES:

The court has the option to order a treatment sentence for most juvenile sex offenders. The Special Sex Offender Disposition Alternative (SSODA) is for offenders adjudicated for a first-time sex offense other than Rape in the First Degree.

Under SSODA, the judge can suspend the offender's sentence, place the offender on community supervision for up to two years, and require the juvenile to participate in sex offender treatment with a state-certified therapist. In addition, the court may impose other conditions, including up to 30 days of confinement. The state pays for the cost of treatment.

If an offender does not comply with sentence conditions, or the judge determines that the juvenile is not making adequate progress in treatment, the alternative disposition may be revoked and a determinate sentence imposed, or up to 30 days confinement may be ordered.

SSODA became available in 1990 as part of the Community Protection Act.

Sexually Violent Predator

"Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence. RCW 71.09.020(1)

"Predatory" means acts directed toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization. RCW 71.09.020(3)

The Community Protection Act provides for the civil commitment of persons determined to be sexually violent predators. If a judge or jury finds beyond a reasonable doubt that a person is a sexually violent predator, the person is committed to the Special Commitment Center located inside a state prison in Monroe, Washington. The person is held until a jury determines the offender is safe to be released.

As of December 31, 1996, 22 offenders have been committed as sexually violent predators and 23 others are in confinement awaiting trial.

The Washington State Supreme Court upheld the constitutionality of this law in 1993. In August 1995, the U.S. District Court found that the law violated constitutional protections, issued an injunction, and appointed a Special Master to oversee the program's compliance with court-ordered improvements. The decision is being appealed. In the interim, the court ruled not to release the program's residents.

The U.S. Supreme Court heard arguments in December 1996 on a similar law from Kansas, *Kansas vs. Hendricks*. A decision is expected by June 1997.

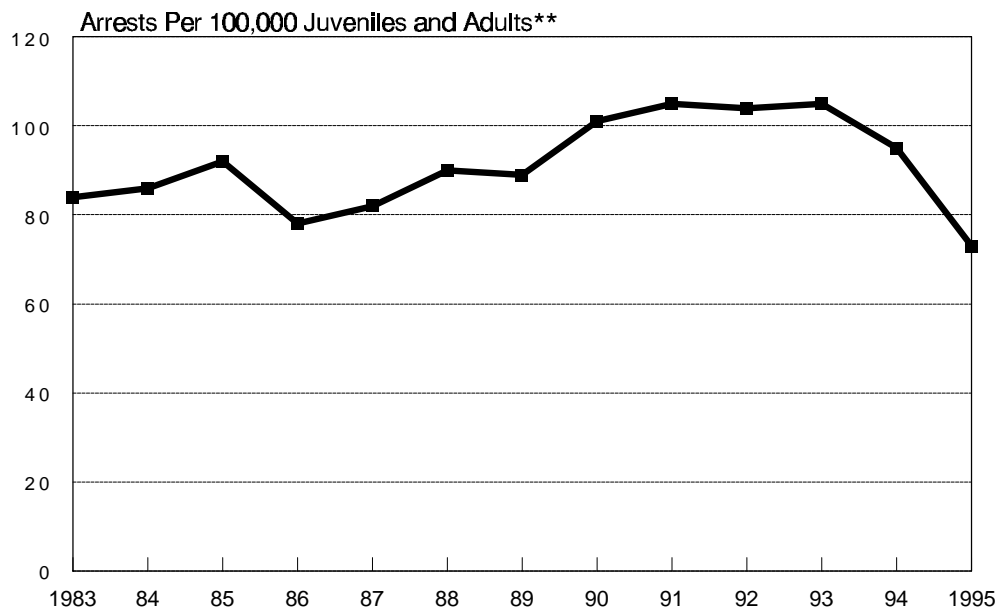


SECTION 2

RATES OF SEX CRIMES AND CHILD ABUSE IN WASHINGTON STATE

- Sex Crime Arrest Rates
- Number of Convictions
- Child Victims of Abuse

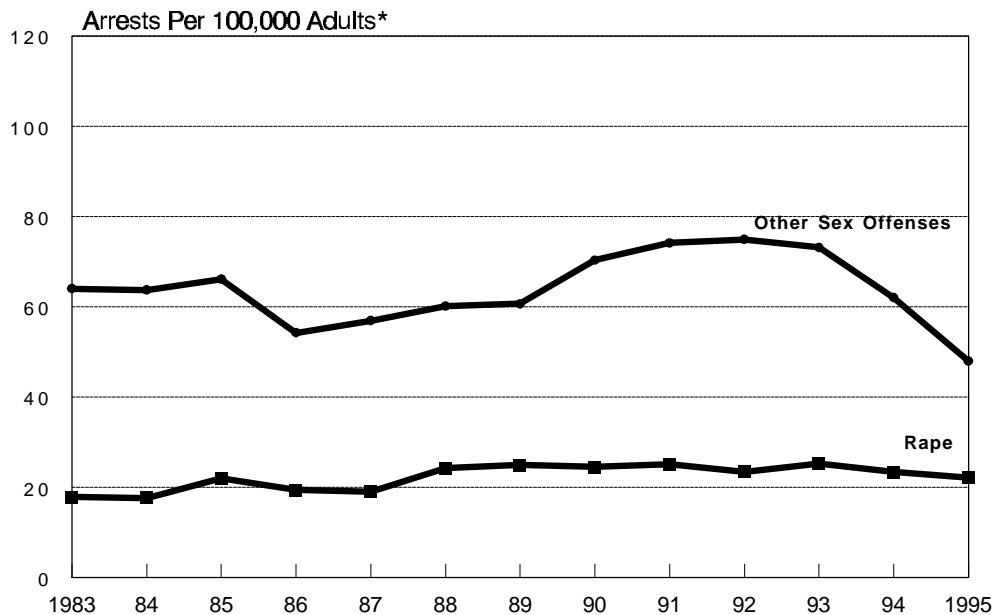
Washington State Arrest Rates for All Sex Crimes*



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*Includes rape.
**Total population over 9 years of age.

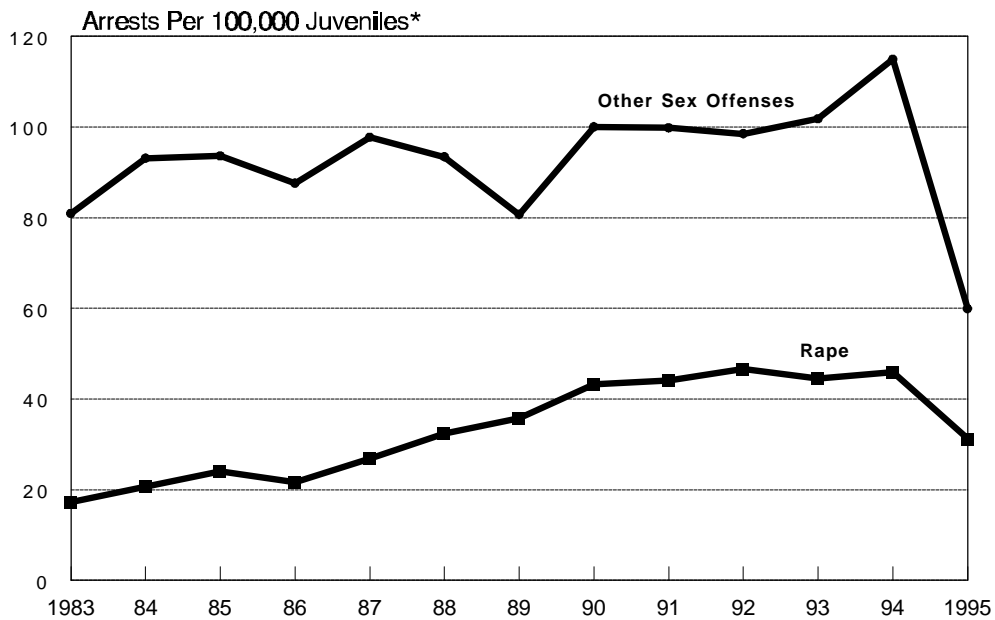
Washington State Arrest Rates of Adults for Sex Crimes



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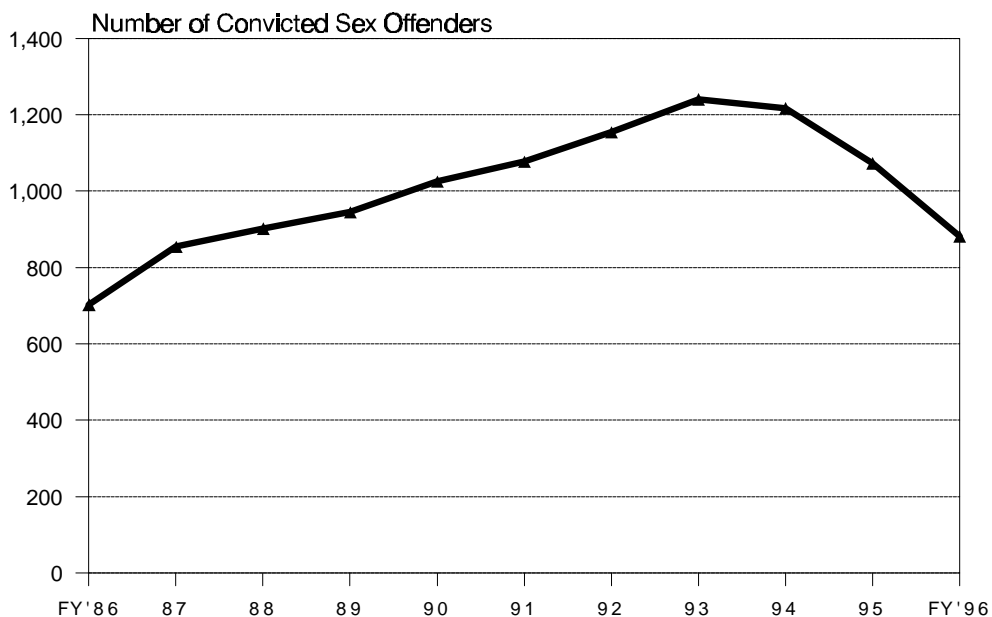
*Total population over 17 years of age.

Washington State Arrest Rates of Juveniles for Sex Crimes



*Total population between 9 and 17 years.

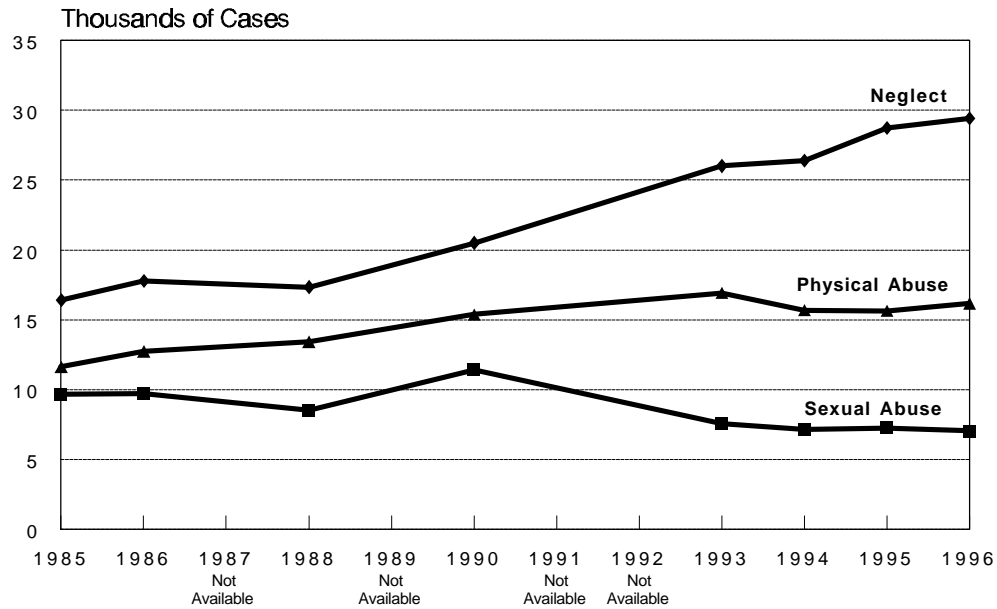
The Number of Convicted Sex Offenders Has Declined 29 Percent Since FY 1993



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Source: Washington State Sentencing Guidelines Commission.

Child Victims of Abuse: Cases Accepted for Investigation by DSHS



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Source: Division of Children and Family Services,
Department of Social and Health Services



SECTION 3

ADULT SEX OFFENDERS

- Sex Crime Sentences
- Criminal History
- SSOSA Sentences
- Sentencing Options
- Sex Offender Treatment
- Sexually Violent Predators

Adult Sex Offenders

In Washington State, adult felons are sentenced within standard sentencing guidelines. This standardized sentencing system went into effect in 1984. Various sentencing options are available to the court for sex offenders:

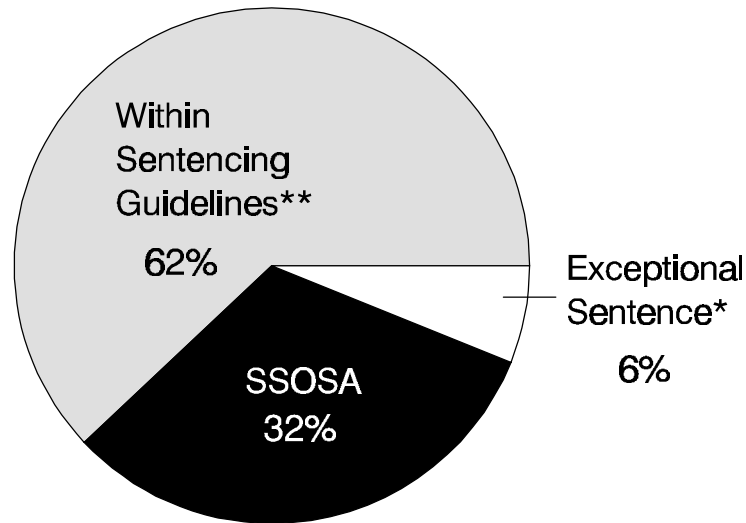
- Jail or prison terms within state sentencing guidelines.
- SSOSA (Special Sex Offender Sentencing Alternative), a suspended sentence requiring outpatient treatment.
- Exceptional sentence (higher or lower than the sentencing guidelines).

From July 1995 to June 1996, 951 adults were convicted of sex felonies—4.4 percent of all felony convictions during this period.

The charts in this section show the number of sex offenders who received these options and provide more detail on those who received suspended treatment sentences.

Sentences Received by Adults Convicted of Felony Sex Crimes in FY 1996

N = 951



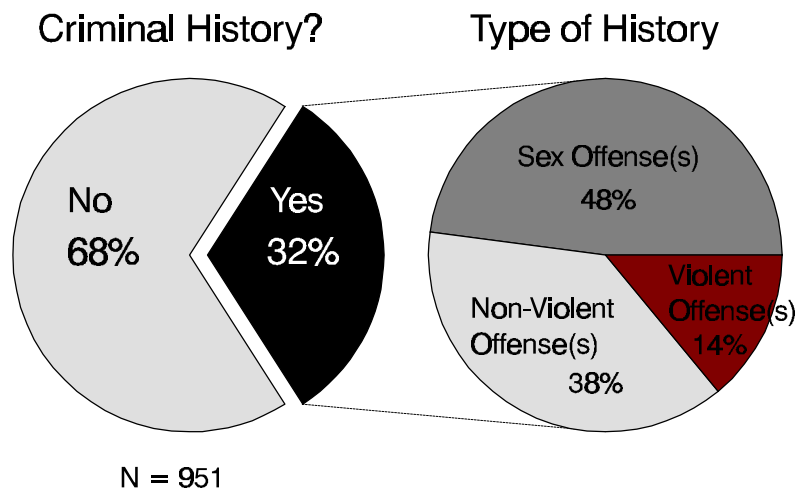
*Exceptional sentences may be shorter or longer than the standard range.

**Four cases of Exceptional Sentences within the standard range were included.

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Source: Washington State Sentencing Guidelines Commission

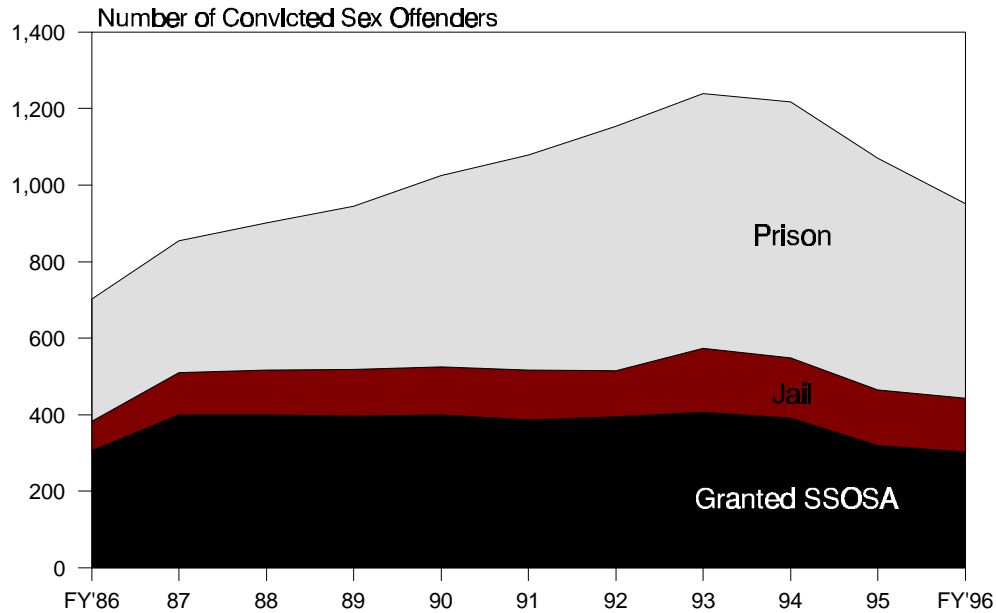
Criminal History of Adults Convicted of Felony Sex Crimes in FY 1996



WSIPP 1997

Source: Washington State Sentencing Guidelines Commission

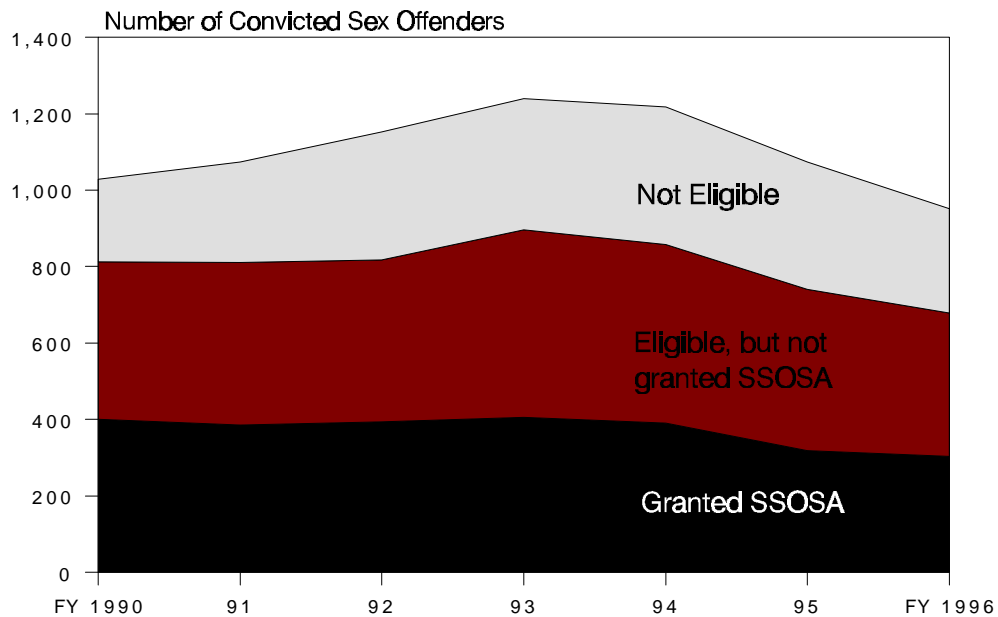
The Majority of Convicted Sex Offenders Receive Prison Sentences



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Source: Washington State Sentencing Guidelines Commission

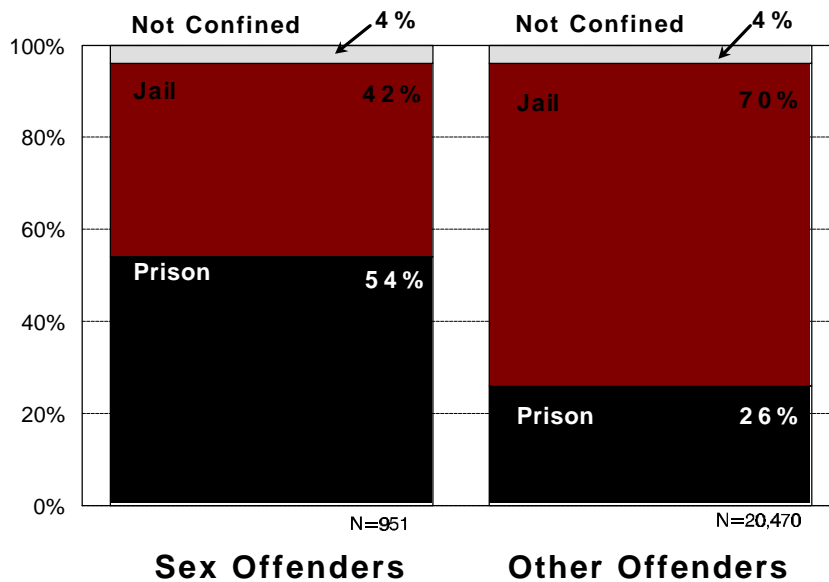
SSOSA Eligibility and Sentences in Washington State



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Source: Washington State Sentencing Guidelines Commission.

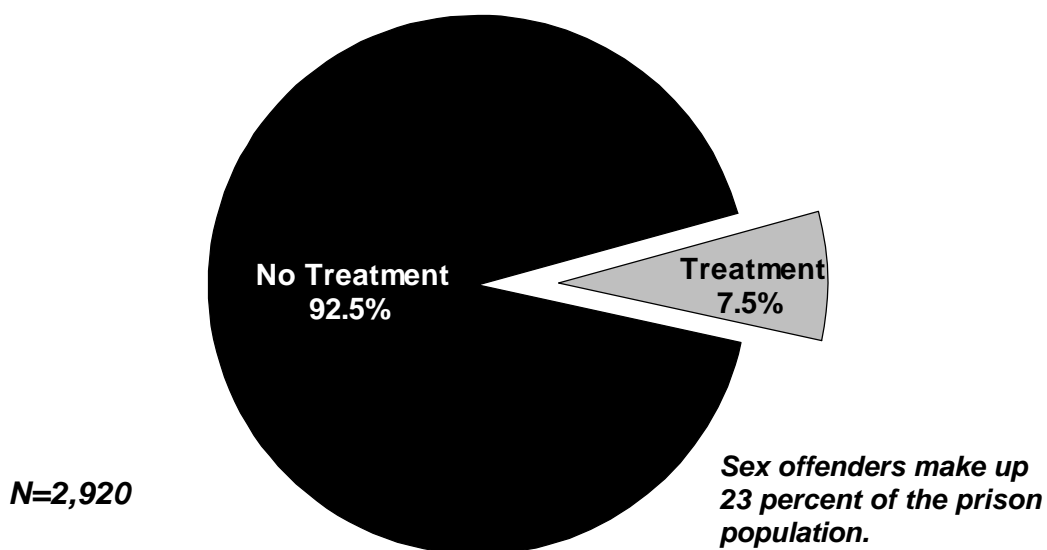
Sex Offenders Are More Likely to Go to Prison Than Other Felony Offenders



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Source: Washington State Sentencing Guidelines Commission, FY 1996

7.5 Percent of Imprisoned Sex Offenders Are Currently Receiving Sex Offender Treatment*

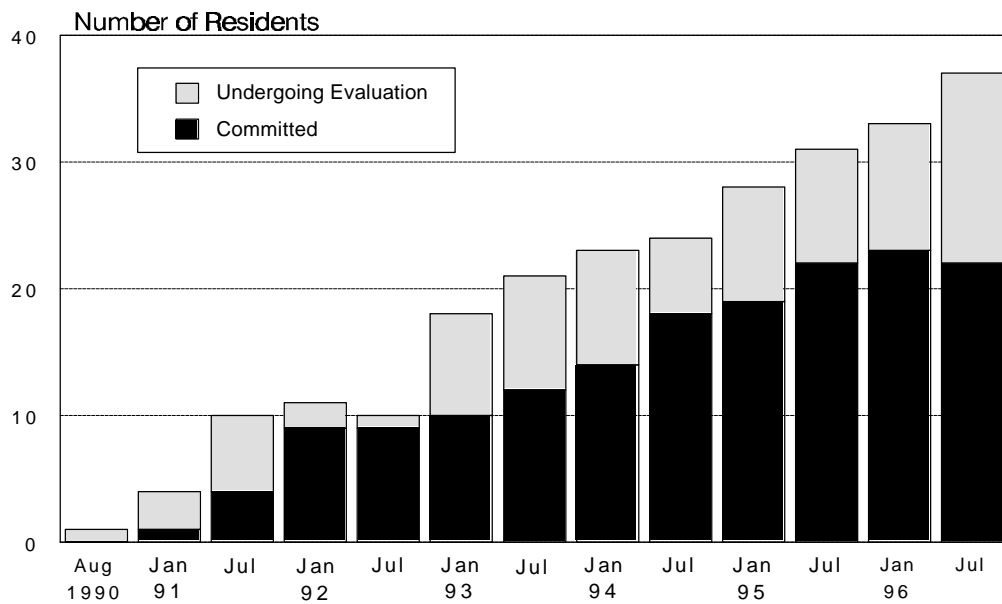


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Source: Department of Corrections

* Data from December 1996

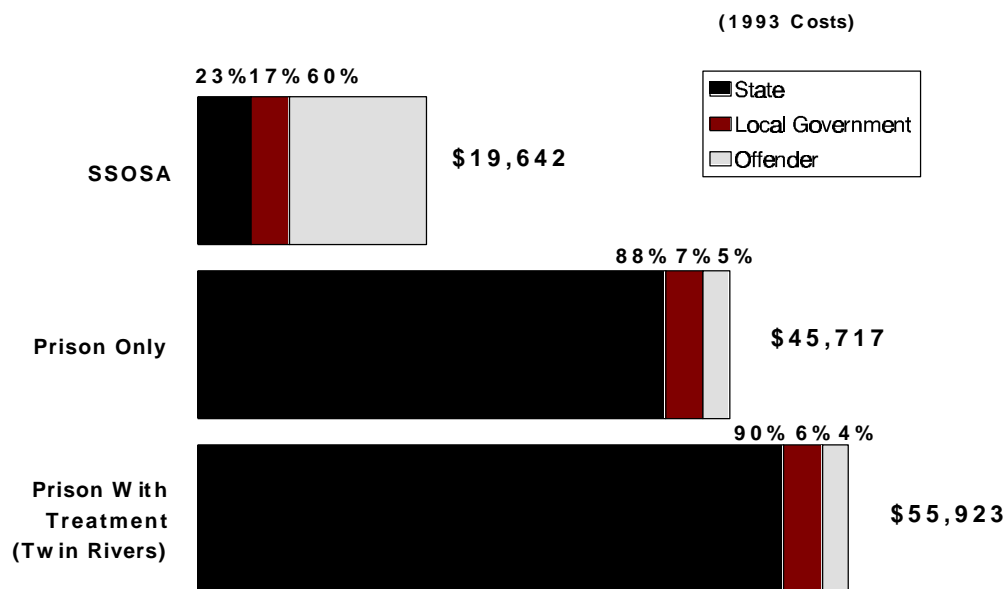
Sexually Violent Predator Commitment Center: Program Residents, 1990-1996



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Source: Department of Social and Health Services,
Special Commitment Center

Adult Sex Offender Sentencing Options: Who Pays?



COSTS ARE ESTIMATED based on the typical costs for an average sex offender who is eligible for a SSOSA sentence. The costs cover the entire sentence (27-month prison term), and are, thus, not annual costs.

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Sexually Violent Predators Represent Less Than One Percent of the Released Sex Offender Population

Between the time the Community Protection Act was passed (February 28, 1990) and December 31, 1996:

- ✓ 3,730 adult sex offenders were released from custody by the Department of Corrections.
- ✓ 1,437 juvenile sex offenders were released from custody by the Juvenile Rehabilitation Administration.
- ✓ 4,443 were reviewed by the End of Sentence Review Committee to determine dangerousness.
- ✓ 857 became the subject of bulletins by the Review Committee—617 were Special Bulletins and 240 were Law Enforcement Alerts (formerly Law Enforcement Notification Bulletins).
- ✓ 182 were referred to county prosecutors for evaluation and possible civil commitment.
- ✓ 22 were tried and committed as sexually violent predators, and 23 others were awaiting trial.

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The release statistics represent individuals most likely to be referred for civil commitment; other sex offenders in the community potentially meet the statutory requirements.



SECTION 4

JUVENILE SEX OFFENDERS

- **Criminal History**
- **Juvenile Rehabilitation Administration Commitments**
- **SSODA Caseload**

Juvenile Sex Offenders

Under state law, most persons under age 18 charged with a crime fall under the jurisdiction of the juvenile court and may be held in an institutional program up to the age of 21.* Juvenile offenders sentenced to more than 30 days are committed to the Juvenile Rehabilitation Administration (JRA) within the Department of Social and Health Services. Juvenile offenders sentenced to less than 30 days, and those placed on community supervision, remain under local jurisdiction. Certain juveniles can be sent to a diversion unit where they are directed to fulfill certain conditions in lieu of prosecution.

JRA provides residential programs for youths committed to its custody, parole supervision of youths released from its facilities, and community corrections' resources to youths under county authority.

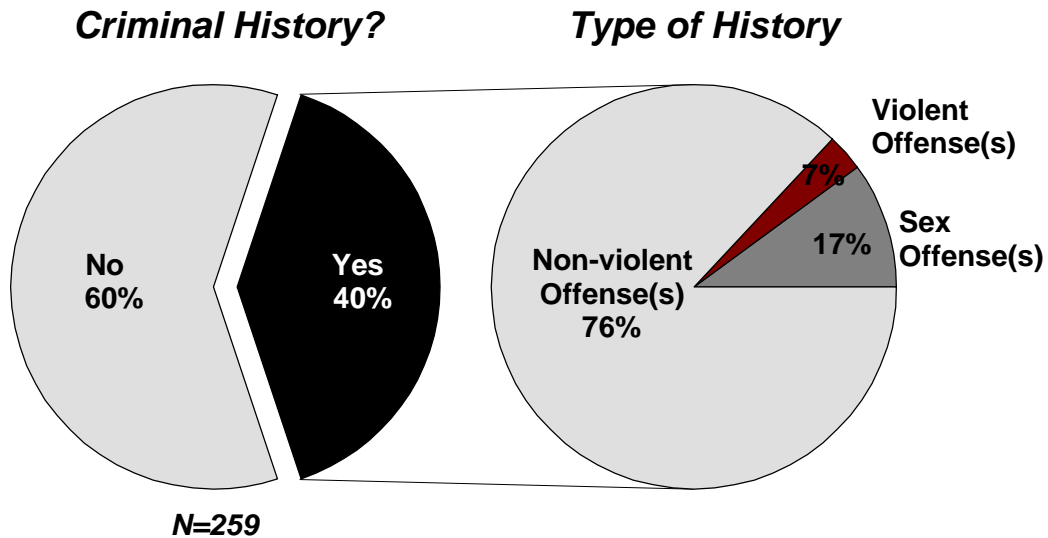
The following charts provide detail on the characteristics of juvenile sex offenders.

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*Some juveniles who are 16 and 17 are prosecuted as adults if they are charged with certain offenses.

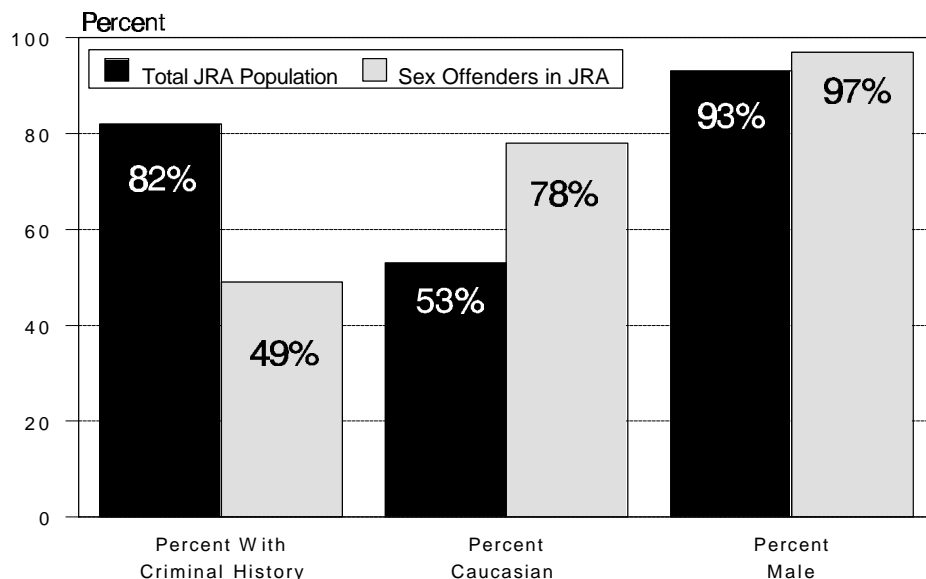
See RCW 13.04.030.

Criminal History of Juvenile Sex Felons Committed to State Facilities in 1996



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Source: Department of Social and Health Services,
Juvenile Rehabilitation Administration

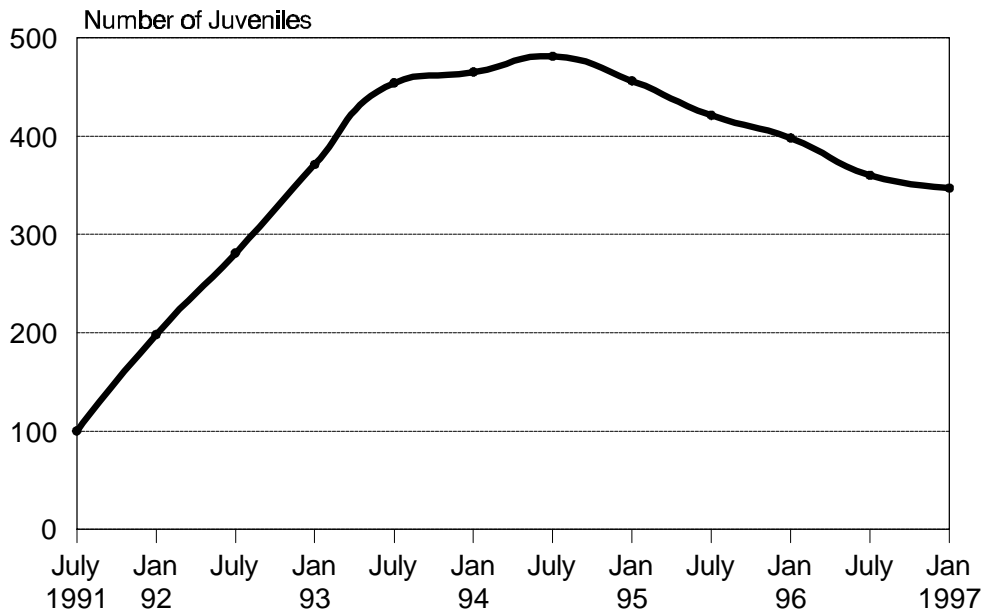
How Do Sex Offenders Compare to All Offenders Committed to State Juvenile Facilities*?



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Source: Department of Social and Health Services,
Juvenile Rehabilitation Administration

* As of January 1, 1997

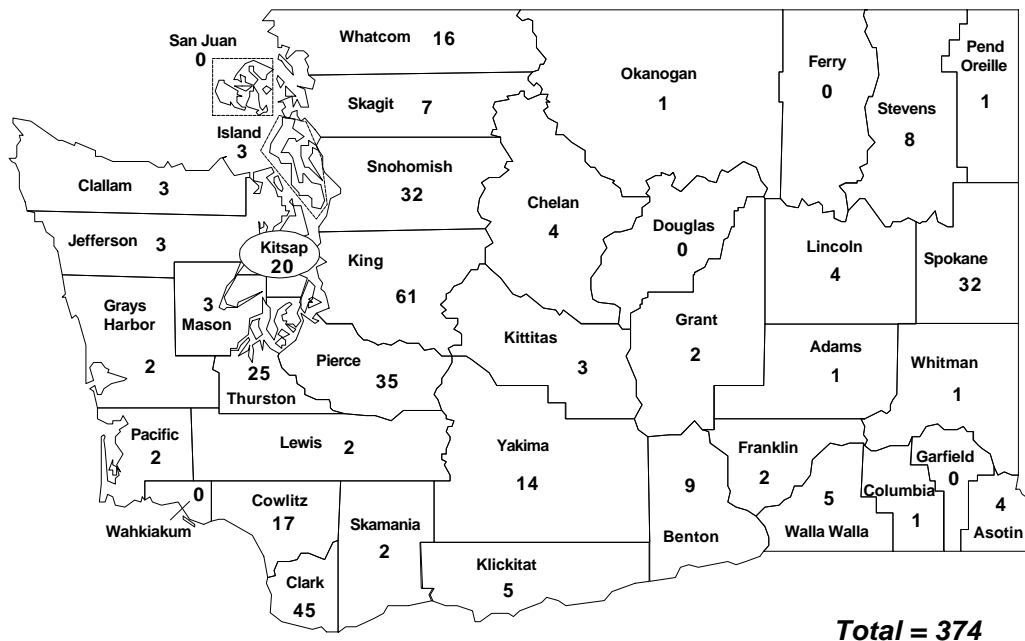
SSODA Caseload Has Steadily Declined Since 1994



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Source: Department of Social and Health Services,
Juvenile Rehabilitation Administration

Distribution of Juveniles on SSODA Caseload as of May 13, 1997



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Source: Department of Social and Health Services,
Juvenile Rehabilitation Administration



SECTION 5

RECIDIVISM PATTERNS

- Washington State Recidivism Rates
- Recidivism Rates From Research Literature

(See page 38 for recidivism rates relating to community notification.)

Recidivism Patterns

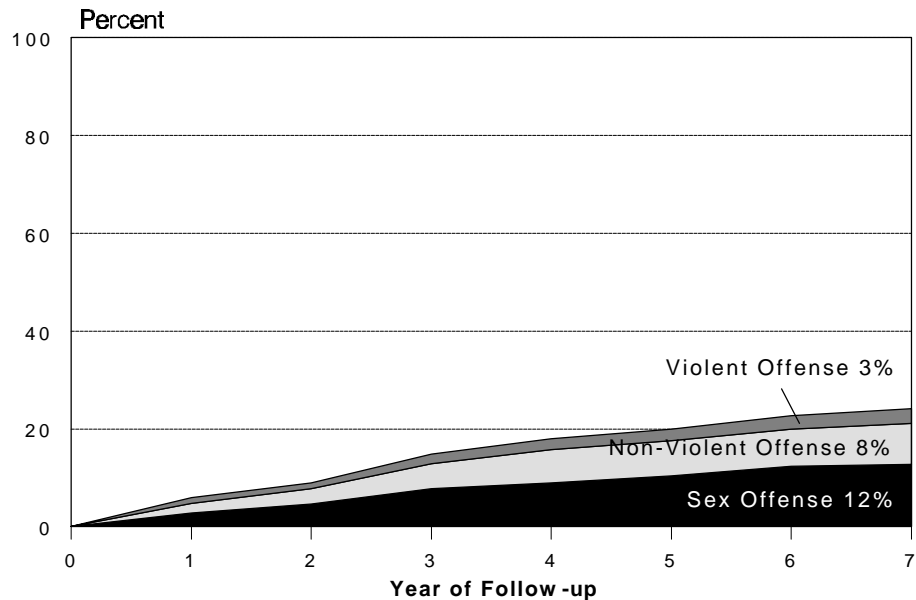
Citizens and policymakers are often interested in knowing how often sex offenders reoffend after they are released into the community. This reoffense behavior is known as recidivism.

The ideal measure of recidivism rates is an actual count of new criminal acts. Since a large proportion of sex offenses are never reported to the police, and those that are reported do not always lead to arrests or convictions, this measure is not available. Most research, therefore, must rely on two data sources: police reports of arrests and court reports of convictions. Re-arrest rates are higher than reconviction rates because not all arrests lead to convictions.

The following charts illustrate recidivism using both re-arrest and reconviction measures. Most of the studies are based on follow-up periods of five years or longer.

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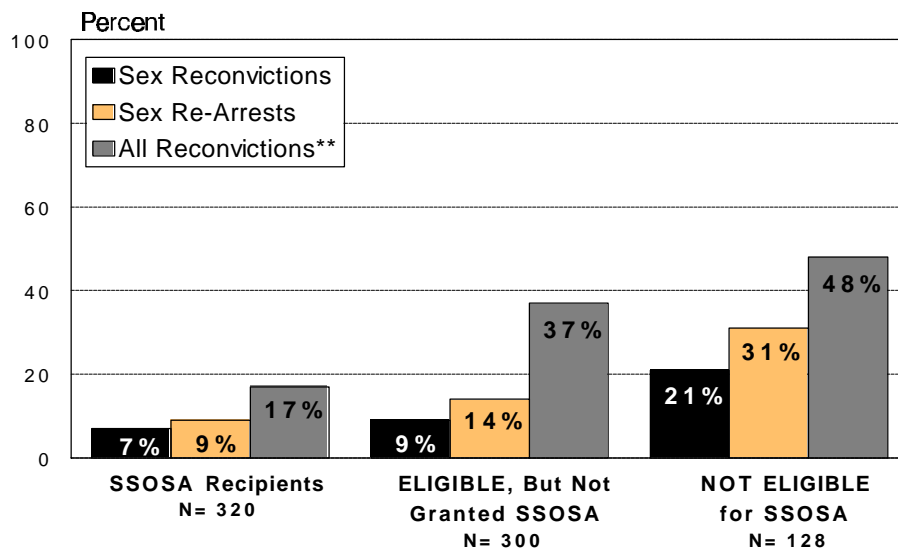
Recidivism Rates for Washington State Convicted Sex Offenders: 1985-1991*



* Incorporates adult male sex offenders convicted of a felony sex offense in Washington State between 1985 and 1991 and released by 12/31/91. Recidivism is defined as a felony re-arrest.

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Sentencing Options Comparing Recidivism Rates Among Washington State Sex Offenders*



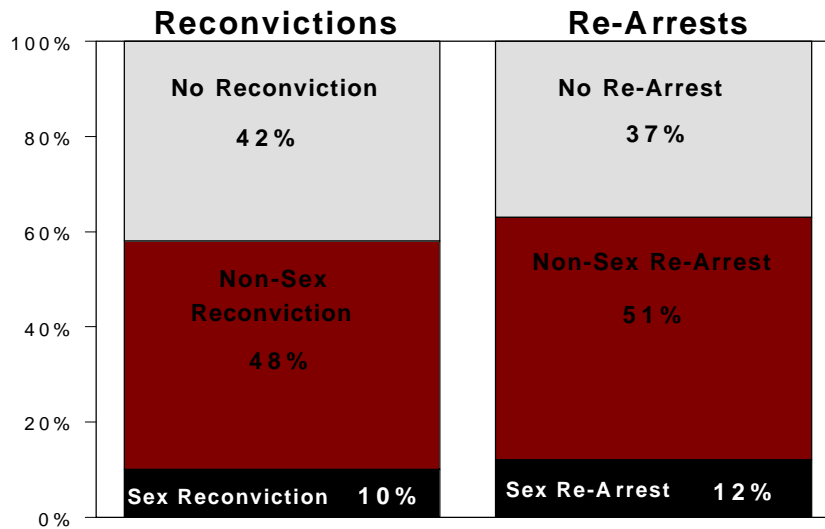
Average follow-up= 6.4 years Average follow-up= 5.7 years Average follow-up= 4.0 years

* Sentenced from January 1985 to July 1986.

** Sex reconvictions are included in this category.

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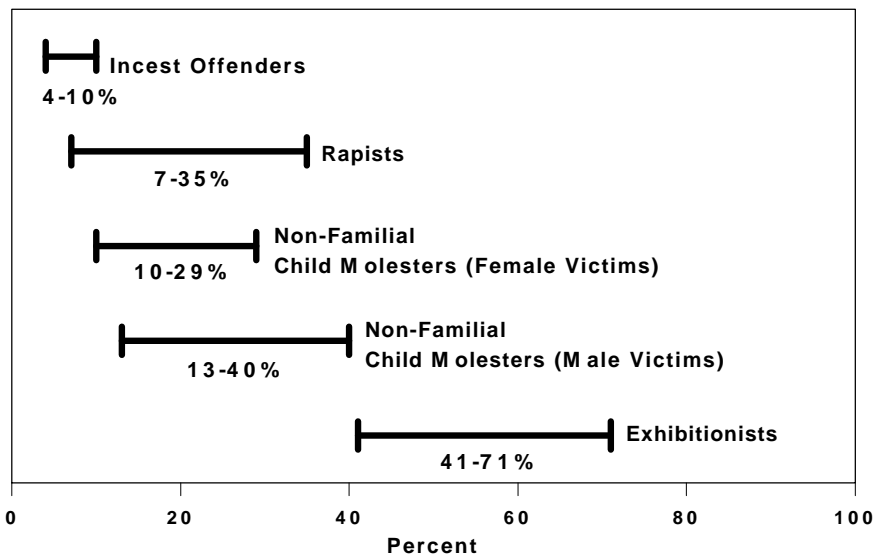
Recidivism Rates of Juvenile Sex Offenders in Washington State*



* Based on 197 juveniles referred for treatment or assessment in a state institution or community-based program in 1984. Follow-up time was six years and included misdemeanors and felonies.

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Recidivism Rates for Untreated* Sex Offenders: Summary of Research Literature (International)



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Source: W.L. Marshall and H.E. Barbaree, *Handbook of Sexual Assault* (1990)

* Offenders not treated by mental health professionals for sexual deviancy.



SECTION 6

CRIME VICTIMS COMPENSATION

- **Crime Victims Compensation Filings**

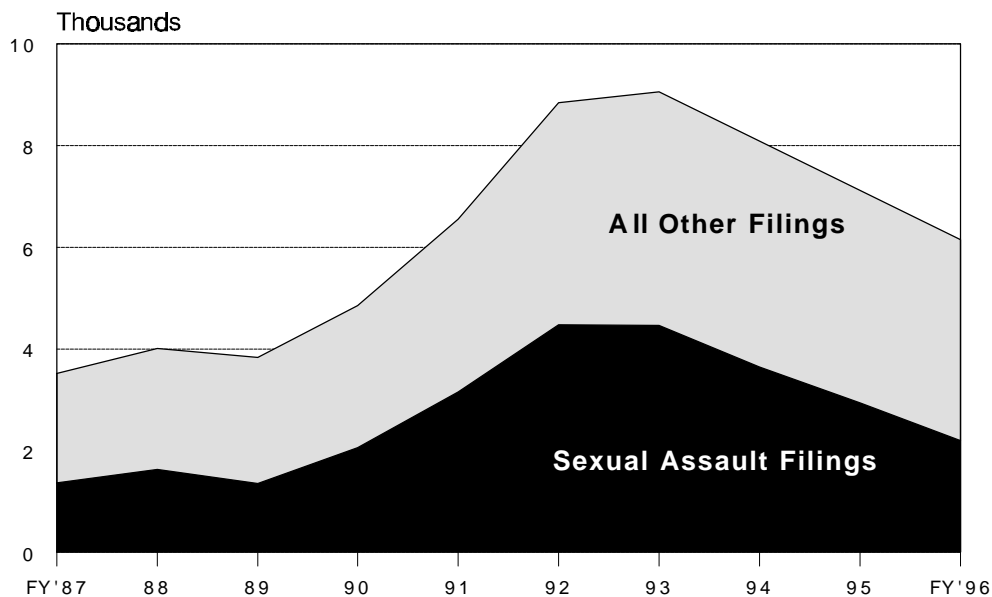
Crime Victims Compensation

The Department of Labor and Industries has operated a crime victims compensation program since 1974. In 1990, the Community Protection Act:

- Extended the reporting time for crime victims.
- Allowed reimbursement of services to persons who repressed childhood memories of sexual or other violent assault.
- Allowed the cap on medical benefits to be exceeded in certain situations.

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Crime Victims Compensation Filings Are Declining



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Source: Department of Labor and Industries

In FY '89, 35% of all CVC filings were for sexual assault, compared to 51% in FY '92 and 36% in FY '96.



SECTION 7

SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

- Registration Compliance
- National Chronology of Sex Offender Legislation
- States Requiring Notification
- Decision Making
- Juvenile Release Procedures
- Re-Arrest Rates

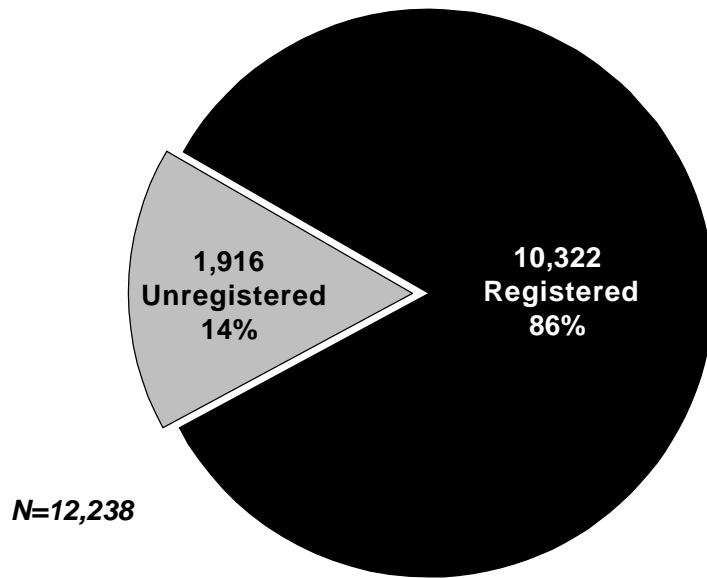
Sex Offender Registration and Community Notification

Washington State has both a sex offender registration *and* a community notification law. These laws were passed in 1990 as part of the Community Protection Act. All states now require sex offenders to register; currently, 45 states have some form of community notification or allow access to sex offender registration information.

In Washington, sex offenders are required to register within 24 hours of release (if confined) with the sheriff in their county of residence. The duration of the registration requirement (for both juveniles and adults) is: life for Class A felony sex offenders, 15 years for Class B felony sex offenders, and 10 years for Class C felony sex offenders. The penalty for non-compliance is a Class C felony for Class A felony sex offenders and a gross misdemeanor for Class B and C sex offenders.

Local law enforcement has the discretion to notify the public when a convicted sex offender is released into the community. Notification is usually reserved for more dangerous offenders.

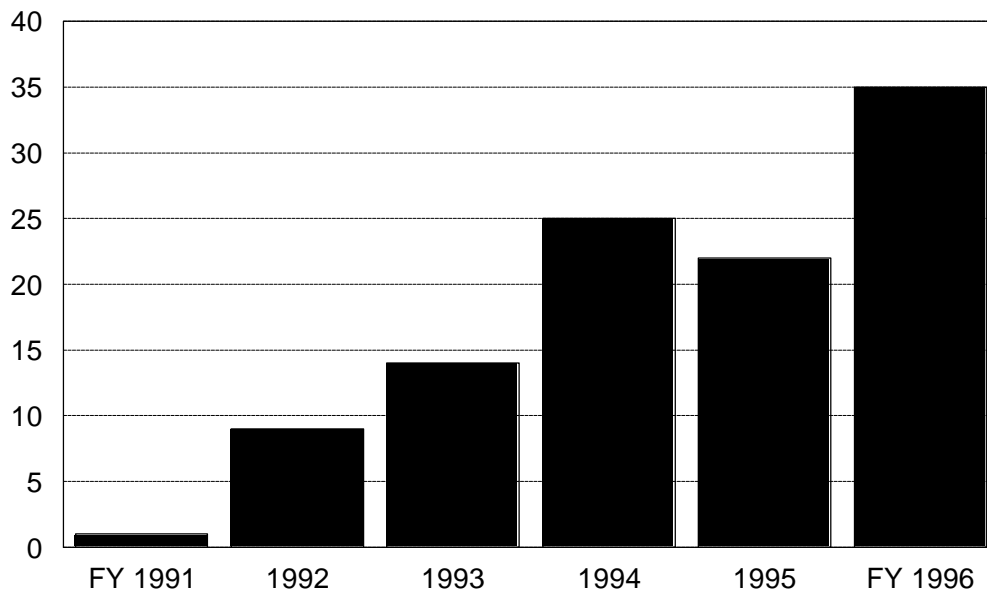
Washington State Sex Offender Registration: Compliance to February 1, 1997



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Source: Washington State Patrol

Washington State Convictions for Failure to Register as a Class A Sex Offender*

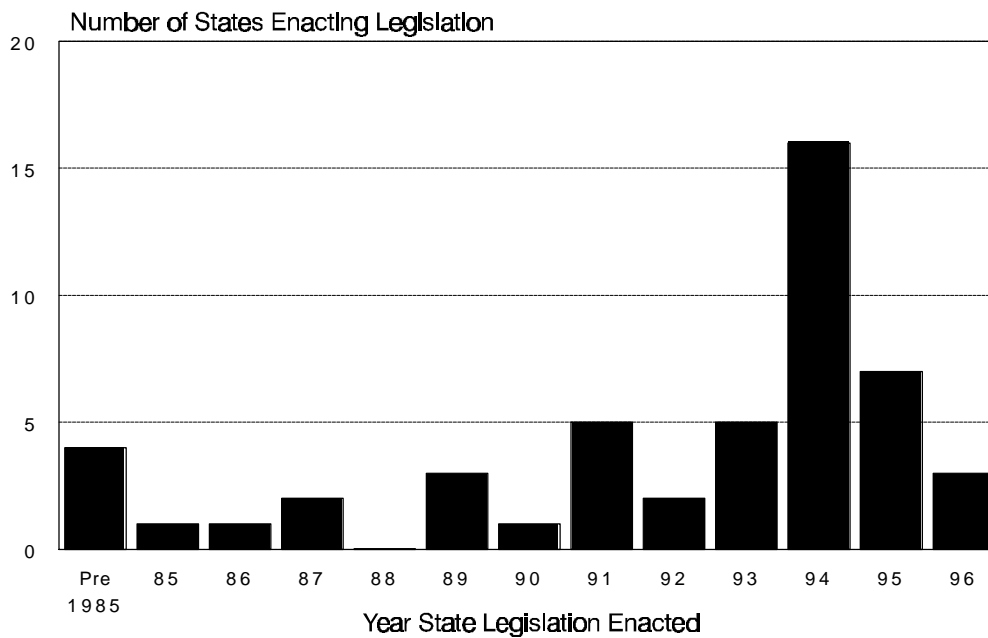


WSIPP 1997

Source: Sentencing Guidelines Commission

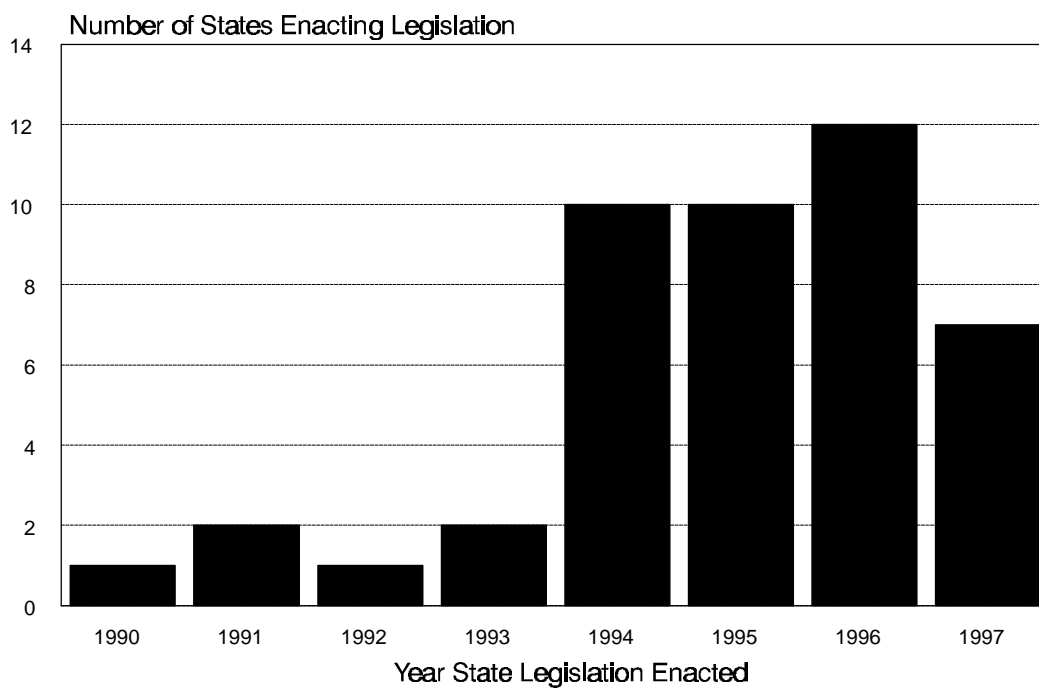
* Since the implementation of the sex offender registration law in 1990, a total of 106 offenders have been convicted of the offense of Failure to Register as a Class A Sex Offender. In Fiscal Year 1996, 35 sex offenders were convicted of this offense.

National Chronology of Sex Offender Registration Legislation



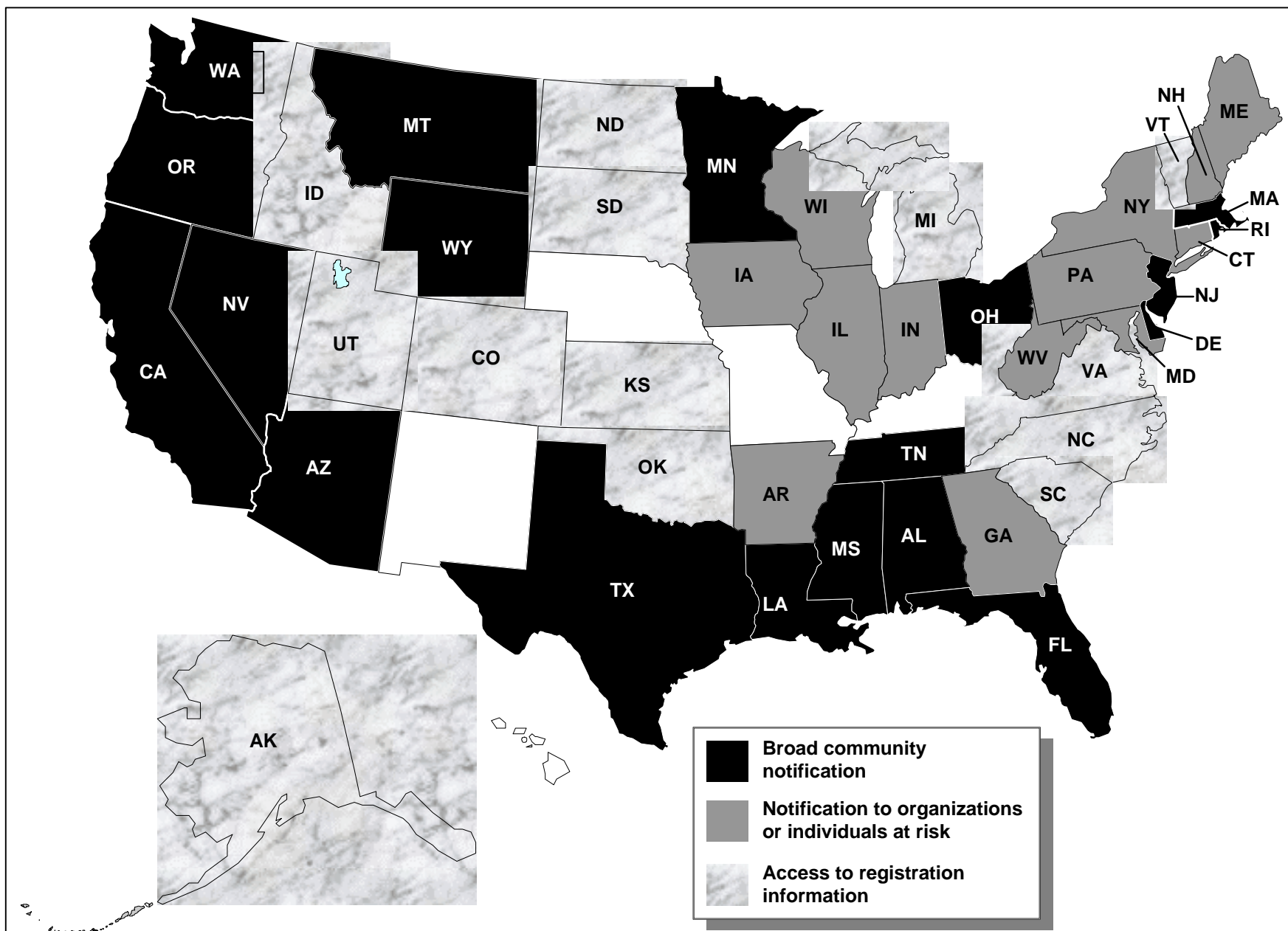
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National Chronology of Sex Offender Community Notification Legislation

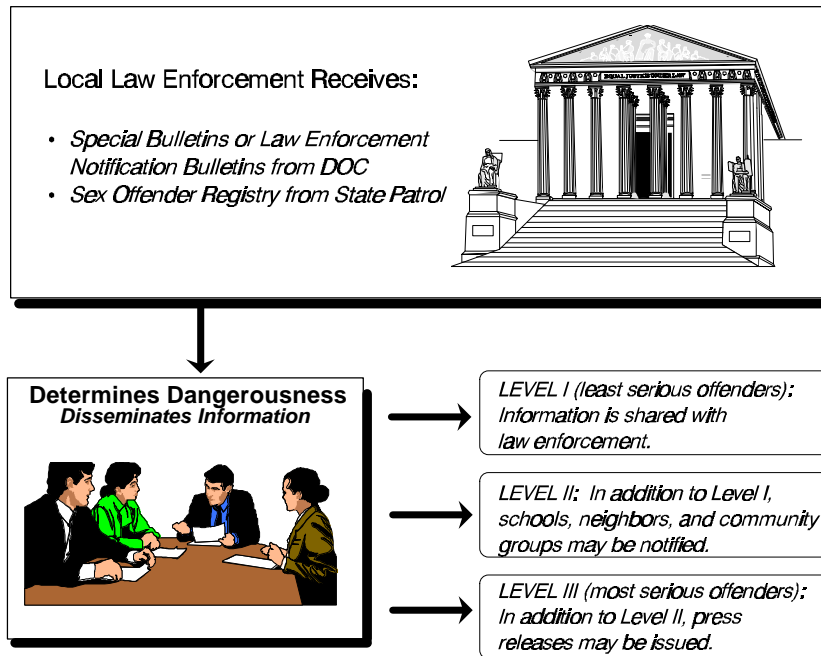


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45 STATES HAVE COMMUNITY NOTIFICATION LAWS OR ALLOW ACCESS TO SEX OFFENDER REGISTRATION INFORMATION



Community Notification: How Decisions are Made



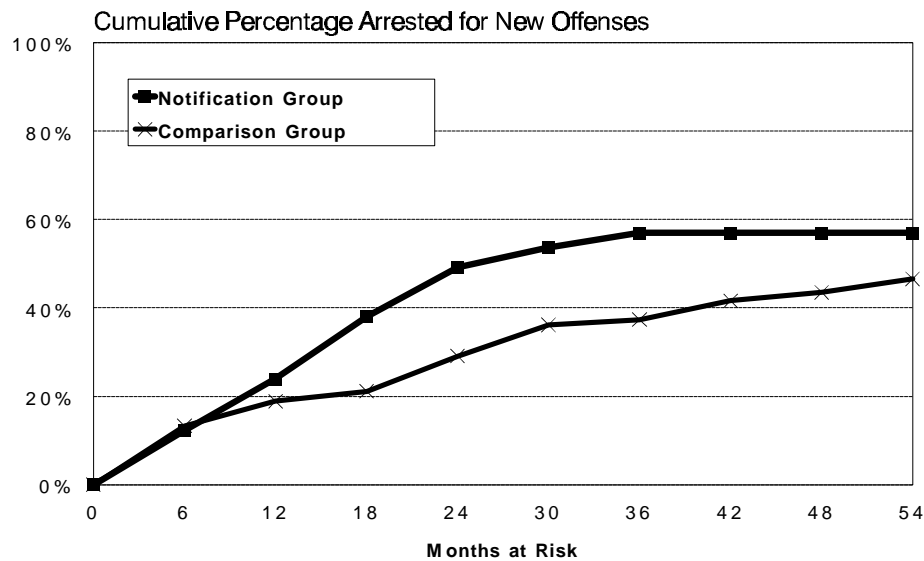
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Notification Procedures: Juvenile Sex Offenders

- **Prior to discharge, the Juvenile Rehabilitation Administration notifies:**
 - ✓ **Local law enforcement**
 - ✓ **Local school districts**
 - ✓ **Victims of juvenile sex offenders**
- **Convicted juveniles may not attend their victim's school.**
- **1,437 juvenile sex offenders were released from custody between the passage of the Community Protection Act (February 28, 1990) and December 31, 1996.**

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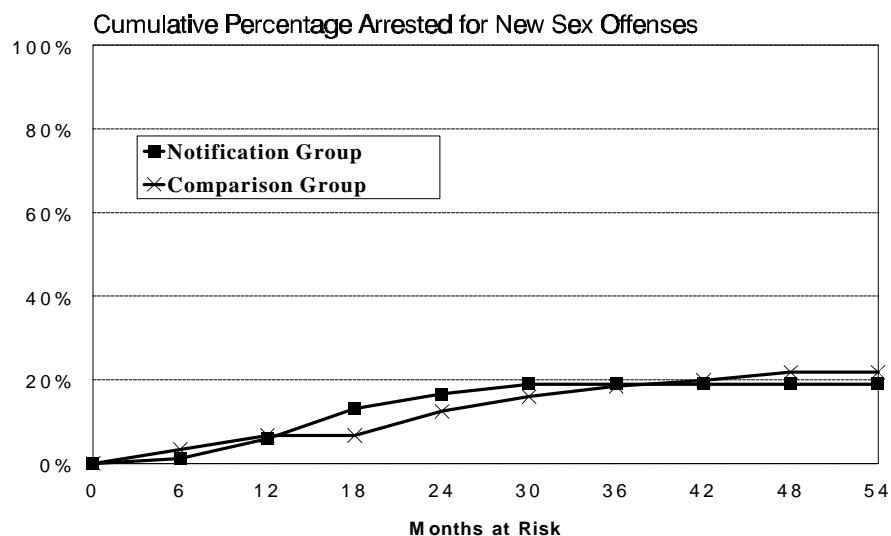
Re-Arrest Rates of Washington State Offenders Subject to Community Notification for All New Offenses*



* As measured by official reports of all new arrests (including sex crimes). At the end of 54 months, the group subject to community notification had a higher estimated rate of overall recidivism (57 percent) than the comparison group of offenders who were not subject to notification (47 percent). The difference was not found to be statistically significant. See Schram and Milloy, *Community Notification: A Study of Offender Characteristics and Recidivism*, October 1995.

WSIPP 1997
Source: Schram and Milloy

Re-Arrest Rates of Washington State Offenders Subject to Community Notification for New Sex Offenses*



* As measured by official reports of new arrests for sex offenses. At the end of 54 months, the group subject to community notification had a slightly lower estimated rate of sexual recidivism (19 percent) than the comparison group of offenders who were not subject to notification (22 percent). The difference was not found to be statistically significant. See Schram and Milloy, *Community Notification: A Study of Offender Characteristics and Recidivism*, October 1995.

WSIPP 1997
Source: Schram and Milloy